

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001

03-md-1570 (GBD)(SN)
ECF Case

This Document relates to:

Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al., No. 03-cv-9849 (GBD)(SN)

Burnett Plaintiffs' Notice of Motion for Entry of Default Judgments Against the Taliban for Burnett Plaintiffs with Liability Defaults and Final Judgments Against Iran Defendants

PLEASE TAKE NOTICE that upon the accompanying declaration of John M. Eubanks (hereinafter “Eubanks Decl.”), with exhibits, and the accompanying memorandum of law, the *Burnett* Plaintiffs identified in Exhibit B respectfully request Final Default Judgments Against The Taliban with awards for economic damages, non-economic damages for conscious pain-and-suffering, and/or solatium damages, and pre-judgment interest, in favor of said Plaintiffs, all in amounts previously established, found, and entered in this case against other defendants in this action¹, and as reflected on Exhibit B. This Motion, along with the *Burnett* Plaintiffs’ Motion for Entry of Default Judgments Against the Taliban for Certain *Burnett* Plaintiffs being filed concurrently, is intended to supplant and substitute for the motion papers filed at MDL ECF Nos. 7618, 7619, 7621, and 7646², which the Plaintiffs’ new motions are intended to replace in order to simplify the issues to be determined by the Court.

The Personal Representatives identified in Exhibit B-1 move for entry of final judgment against The Taliban in the amount previously established and found as conscious pain-and-suffering damages of \$2,000,000 and economic damages in the amounts indicated in Exhibit B-1.

¹ Pursuant to final default judgments entered against the Iran Defendants. See, e.g., ECF Nos. 3666, 3984 (corrected 4023), 4126, 4146, 4175, 4712, 5061 (corrected 5062 and 6202), 5087 (corrected 6203 and 6205), 5092, 5138, 5151, 5356, 5854, 5946, 5948, 5955, 5957, 5975, 5979, 6034, 6035, 6037, 6038, 6039, 6042, 6044, 7188, 7287, 7494.

² ECF No. 7646 was itself a substitution for the earlier filed document at ECF No. 7620 which was inadvertently filed with certain pages missing.

In addition, the Plaintiffs identified in Exhibit B-2 move for final default judgments against The Taliban in the amounts previously established and found as solatium damages of \$12,500,000 for the spouse of a 9/11 Decedent; \$8,500,000 for the child of a 9/11 Decedent; \$8,500,000 for the parent of a 9/11 Decedent; and \$4,250,000 for the sibling of a 9/11 Decedent.³ Plaintiffs identified on Exhibit B-3 move for final judgments against The Taliban in the amounts set forth within Exhibit B-3, constituting previously determined pain-and-suffering damages for those individuals who were injured in the terrorist attacks on September 11, 2001 but who did not succumb to those injuries. The Plaintiffs identified within Exhibit B further move that such damages be trebled under the Anti-Terrorism Act, 18 U.S.C. §2333(a) and include prejudgment interest at the rate of 4.96 percent, compounded annually, from the period from September 11, 2001, until the date of the judgment for damages entered against the Taliban. In addition, the *Burnett* Plaintiffs identified in Exhibits B-1, B-2, and B-3 move for permission to seek punitive and economic damages at a later date to the extent appropriate.

Dated: April 7, 2022

Respectfully submitted,

MOTLEY RICE LLC

/S/ John M. Eubanks

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³ See July 30, 2012 Report and Recommendation of Magistrate Judge Frank Maas (ECF No. 2618) (adopted by District Judge George B. Daniels on October 3, 2012 (ECF No. 2623)).